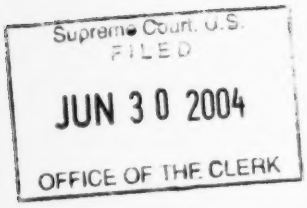

No. 03-1385

IN THE

SUPREME COURT OF THE UNITED STATES

DOLORES HOLGUIN — PETITIONER, pro-se.

vs.

GREENLEE COUNTY FLOOD CONTROL DISTRICT,
et. al. — RESPONDENTS

PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES
COURT OF APPEALS 9th CIRCUIT

PETITION FOR REHEARING

DOLORES HOLGUIN

H.C.R. BOX 191

DUNCAN, ARIZONA 85534

928-359-2302

GROUNDS

A. Intervening circumstances of a substantial effect.

(1.) ADEM's counsel communication document of September 21, 1999, exercised **coercion** on the Petitioner, that the Petitioner would forfeit congressional funding to a conventional, comparable home under part 24.404 (c)(l)(iii)(vi) unless the terms of part 24.401 project acquisition value of private property are signed over to agency ADEM by Oct. 8, 1999, deadline, which provided the Sept. 15, 2000, deadline where the Petitioner acquired under **duress** the $62,060 unacceptable mobile home.

Document September 21, 1999:

> Please be advised that if you do not accept the above determination and execute the documents necessary to conclude the condemnation proceedings and transfer ownership of the property to the Project on or before Oct. 8, 1999, the funds which would otherwise be used to pay your benefits will instead be used towards funding the construction of the Project recreational facilities.
>
> While additional funds may be requested from the legislature at some point in the future, we cannot tell you exactly when that will occur or how much might be appropriated.
>
> We would expect an indefinite delay in the receipt of any additional funds.

(2.) The licensed home builder value of $137,000 for a conventional, comparable home entitlement, in contrast with the mobile home value of $62,060 obtained by appellant under **duress**, the deprived difference in value of $74,940 being retained by the agency ADEM's intent to convert or steal, is appropriately called "**larceny**."

(3.) The Greenlee County Flood Control District **deception** and **negligance** of duty to protect flood disaster displacee private property from the premises of Resolution 98-01 FCD affirming Resolution 94-02 FCD and the intergovernmental agreement for the sole purpose of uniting the "integral component" to the South Clifton Levee Project, contrary and **short of statutory right** of ARS 48-2605A.

ARS 48-2605A states:

> "Nor shall any land which will not, in the judgement of the Board, be benefited generally or especially by drainage by means of the system of works be included within the proposed District."

(4.) Acquisition Science L.T.D. **pre-conceived negligence** and **wanton deception** of false relocation process of 4-139(e) and 4-138(b), use of manufactured mobile homes, Federal law substitution on displacee basic rights, based on unlawful application of the General Design Memorandum.

(5.) State agency ADEM's intervention on the 86 flood disaster household displacees relocation of the July 1992 congressional funding is an **arbitrary and capricious deception**.

(6.) The Town of Clifton, Greenlee County, Arizona, did not have and was not involved with Federal assisted projects or programs before and after the July 1992 U.S. Congressional funding, whereas no Federal funding agency and Federal lead agency were in existence for the U.S. Congressional funding of $10,822,675 disaster displacee relocation per subpart G certification 24.602(d)(2).

Part 24.602(d)(2) states:

> The Federal funding agency shall transmit all complete approved applications for certification to the Federal lead agency.

(7.) Agency ADEM's **wanton deception** intervened substantially on the effect of Federal flood disaster displacees relocation in July, 1992, by asserting unlawful control of relocation and setting relocation on continuous delay

B. Intervening circumstances of controlling effect.

(1.) Agency ADEM's administrators by Arizona Governor's consent under PL93288 sec. 5170 were assisting cognizant agency FEMA in 1983 flood disaster in Clifton.

(2.) ADEM's **pre-conceived deception** in 1984 under FEMA, without announced authority or jurisdiction, ordered flood disaster displacees not to repair or reoccupy their flooded homes, asserting control of relocation to Table Top housing development that did not materialize.

(3.) ADEM's **deceptive action** of Table Top relocation influenced cognizant agency FEMA to retrieve temporary housing under PL93288 sec. 5174 on the 12th month of the 18 months allowed, committing a **breach of Federal law**.

(4.) ADEM's 1984 **unlawful possession** of flood disaster displacees' private property without owners' consent is contrary to the U.S. Constitution 5th and 14th amendments - "Nor be deprived of property without due process of law."

Respectfully submitted,

DOLORES HOLGUIN

Date: June 28, 2004

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Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 28, 2004.

Dolores Holguin

CERTIFICATE OF COUNSEL

The Petition for Rehearing here presented is restricted to the grounds specified in Rule 44.2 and this petition for rehearing is presented in good faith and not for delay.

Dolores Holguin

Dolores Holguin
pro-se